

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

IN RE:

LYNN D WRIGHT
3413 East Main #903
Nacogdoches, TX 75961
xxx-xx-9862

DEBTOR(S)

§
§
§ CASE NO. 12-90211
§
§ CHAPTER 13

DEBTOR'S AMENDED OBJECTION TO PROOF OF CLAIM NO. 15
FILED BY CAPITAL RECOVERY GROUP, LLC, AS AGENT FOR INSOLVE
RECOVERY, LLC

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR RESPONSE MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE BANKRUPTCY JUDGE:

NOW COMES LYNN D WRIGHT, Debtor in the above-entitled cause and files this Amended Objection to the Claim filed in this matter by CAPITAL RECOVERY GROUP, LLC, AS AGENT FOR INSOLVE RECOVERY, LLC, and would respectfully show the Court as follows:

1. CAPITAL RECOVERY GROUP, LLC, AS AGENT FOR INSOLVE RECOVERY, LLC has filed an unsecured nonpriority claim for \$8,502.16 in the above matter.

The claim was filed with no supporting documentation.

2. Debtor objects to the claim being allowed as an unsecured claim in the amount of

\$8,502.16 because no supporting documentation was provided to show the basis for the claim in contravention to Rule 3001 of the Federal Rules of Bankruptcy Procedure. The statute of limitations for collection of a debt is four years from the date the cause of action accrued under Texas Civil Practice & Remedies Code Section 16.004(a)(3). Because the Debtor believes this debt to be more than four years old it is barred by limitations and is unenforceable against the Debtor and the property of the Debtor, and this claim should not be allowed under 11 U.S.C. §502(b)(1).

WHEREFORE, PREMISES CONSIDERED, Debtor prays that the claim of CREDITOR be disallowed and for additional or alternative relief as may be just and proper.

Respectfully submitted,

Day & Wallace, LLP
517 E. Commerce St.
Jacksonville, Texas 75766
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By: /s/ Michael P. Wallace
Michael P. Wallace
State Bar No. 20771030

ATTORNEYS FOR DEBTOR(S)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of February, 2013, a true and correct copy of the foregoing was served on all parties listed below by electronic means or via United States First-Class Mail.

John J. Talton
110 North College Avenue
12th Floor
Tyler, TX 75702

Capital Recovery Group, LLC
As agent for InSolve Recovery, LLC
Dept 3203
PO Box 123203
Dallas, TX 75312-3203

Lynn D Wright
3413 East Main #903
Nacogdoches, TX 75961

/s/ Michael P. Wallace
Michael P. Wallace